

FIRST DIVISION

[G.R. No. 130912, February 14, 2003]

**UNIVERSITY OF THE PHILIPPINES, PETITIONER, VS.
GERTRUDES V. SUSI, LEONARDO P. DIMACULANGAN, FEMAR
REALTY AND DEVELOPMENT CORPORATION, THE REGISTER OF
DEEDS OF QUEZON CITY, THE CITY ASSESSOR OF QUEZON CITY,
AND THE REGIONAL TECHNICAL DIRECTOR OF THE LANDS
MANAGEMENT SECTOR, DENR, RESPONDENTS.**

DECISION

AZCUNA, J.:

This is a petition for review of a Resolution of the Regional Trial Court, Branch 225, of Quezon City, dated May 13, 1997, in Civil Cases Nos. Q-94-21245 and Q-94-21637, which dismissed the second case on the ground of the pendency of the first case.

Petitioner University of the Philippines, a State institution of higher learning, acquired from the Philippine Government its Diliman Campus through a Deed of Sale dated March 1, 1949. Pursuant thereto, Transfer Certificate of Title No. 9462 was issued and registered in the Registry of Deeds for Quezon City. Subsequently, TCT No. 9462 was subdivided into five (5) titles: TCT Nos. RT-27912 (192686); RT-58201 (192687); RT-57441 (192688); RT-107350 (192689); and RT-57197 (192690). Petitioner's Diliman Campus is approximately 4,930,981.30 square meters in area.

Respondent Gertrudes V. Susi claims ownership of a part of petitioner's aforesaid campus, particularly the portion located along Commonwealth Avenue between the Iglesia ni Cristo and the Philippine Social Science Building. This is allegedly covered by said respondent's Transfer Certificates of Title Nos. 68134, 68135 and 68136. The last two titles were sold by respondent Susi to respondents Leonardo P. Dimaculangan and Femar Realty and Development Corporation.

After three unsuccessful attempts by them to enter and fence off said disputed portion, respondents filed on August 22, 1994, an action for damages and injunction with a prayer for temporary restraining order and/or preliminary injunction, against petitioner and some of its officials, for alleged violation of their rights of ownership over said land titles. The case was docketed as Civil Case No. Q-94-21425 and raffled to Branch 104 of the Regional Trial Court of Quezon City.

On September 13, 1994, petitioner filed an action for cancellation of respondents' titles with a prayer for temporary restraining order and/or preliminary injunction, before the Regional Trial Court of Quezon City, docketed as Civil Case No. Q-94-21637.